

## **REMARKS**

Claims 1, 5-12, 14, 16-20, and 24-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number 6,978,282 to Dings (hereinafter Dings). Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dings in view of United States Patent Number 6,959,369 to Ashton (hereinafter Ashton).

For the Examiner's convenience and reference, Applicants' remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

### **Response to rejections of claims under 35 U.S.C. § 102(e).**

Claims 1, 5-12, 14, 16-20, and 24-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dings. Applicants respectfully traverse this rejection.

Claims 1, 11, 17, 20, 30, 31, and 32 include the limitation "...compare the new replication record to the current replication record and to break a copy pair for a removed source volume present in the current replication record, but not present in the new replication record." The Examiner argues that Dings teaches this limitation by disclosing, "The dismount/cleanup function removes all volume group, logical volume, and filesystem objects from the target host." Dings, col. 11, lines 7-9. The cleanup/dismount process is described in detail in description of

Fig. 13 cited by the Examiner, which describes shutting down a database, removing logical volume and file system objects from target, removing volume group objects from target, clean up completion, re-establishing BCVs on source. Dings, col. 12, lines 36-43; fig. 13, refs. 1102, 1104, 1106, 1108, 1110.

Applicants respectfully submit that the teaching of Dings is not equivalent to comparing the new replication record to the current replication record and to break a copy pair for a removed source volume present in the current replication record, but not present in the new replication record. Dings does not teach comparing the new replication record to the current replication record. There is in fact no test taught in Dings related to breaking a copy pair. In addition, Dings does not teach breaking a copy pair for a removed source volume present in the current replication record, but not present in the new replication record. Applicants therefore submit that claims 1, 11, 17, 20, 30, 31, and 32 are allowable.

Claims 1, 11, 17, 20, 30, 31, and 32 also include the limitation of creating "...a copy record from a pre-copy record, the pre-copy record comprising one of the current replication record and the future pre-pairing record..." Dings does not disclose creating a copy record from either the current replication record or the future pre-pairing record. Applicants therefore submit that claims 1, 11, 17, 20, 30, 31, and 32 are allowable. Applicants further submit that claims 5-10, 12, 14, and 16, 18, 19, and 24-29 are allowable as depending from allowable claims.

#### Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 13 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Dings

in view of Ashton. Applicants submit that claims 13 and 15 are allowable as depending from allowable claims.

Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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